

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
SOUTHERN DIVISION**

NORTHWEST GEORGIA BANK,)
v.)
Plaintiff,)
v.) CIVIL ACTION NO. 1:09-CV-301
TICOR TITLE INSURANCE COMPANY)
OF FLORIDA,)
Defendant.)
TICOR TITLE INSURANCE COMPANY)
OF FLORIDA,)
Third-Party Plaintiff,)
v.)
LEGAL TITLE & ESCROW, INC.,)
ROBERT L. BROWN, and DARLENE G.)
BROWN,)
Third-Party Defendants.)

**THIRD-PARTY DEFENDANT DARLENE G. BROWN'S
ANSWER TO THIRD-PARTY COMPLAINT**

Third-Party Defendant Darlene G. Brown, by and through her attorneys, Grant, Konvalinka & Harrison, P.C., for answer to the Third-Party Complaint hereinbefore filed against her says:

FIRST DEFENSE

Response is made to the allegations contained in the individual paragraphs of the Third-Party Complaint as follows:

1. The allegations contained in paragraph 1 of the Third-Party Complaint are admitted.
2. The allegations contained in paragraph 2 of the Third-Party Complaint are admitted.
3. This Defendant is without sufficient information to enable her to form a belief regarding the allegations of paragraph 3 of the Third-Party Complaint and neither admits nor denies same.
4. The allegations contained in paragraph 4 of the Third-Party Complaint are admitted.
5. Upon information and belief the allegations contained in paragraph 5 of the Third-Party Complaint are admitted.
6. The allegations contained in paragraph 6 of the Third-Party Complaint are admitted.
7. This Defendant is without sufficient information to enable her to form a belief regarding the allegations contained in paragraph 7 of the Third-Party Complaint and neither admits nor denies same.
8. In response to the allegation contained in paragraph 8 of the Third-Party Third-Party Complaint, this Defendant adopts and incorporates her responses to paragraph 1-7 herein.
9. The allegations contained in paragraph 9 of the Third-Party Complaint are admitted.
10. The allegations contained in paragraph 10 of the Third-Party Complaint are admitted.
11. The allegations contained in paragraph 11 of the Third-Party Complaint are admitted.

12. The allegations contained in paragraph 12 of the Third-Party Complaint are admitted.
13. This Defendant is without sufficient information to enable her to form a belief regarding the allegations contained in paragraph 13 of the Third-Party Complaint and in order to put these allegations at issue, denies same.
14. This Defendant is without sufficient information to enable her to form a belief regarding the allegations contained in paragraph 14 of the Third-Party Complaint and in order to put these allegations at issue, denies same.
15. The allegations contained in paragraph 15 of the Third-Party Complaint are denied as written.
16. The allegations contained in paragraph 17 of the Third-Party Complaint are admitted.
17. This Defendant is without sufficient information to enable her to form a belief regarding the allegations contained in paragraph 17 of the Third-Party Complaint and in order to put these allegations at issue, denies same.
18. This Defendant is without sufficient information to enable her to form a belief regarding the allegations contained in paragraph 18 of the Third-Party Complaint and in order to put these allegations at issue denies same.
19. This Defendant adopts and incorporates her responses to the allegations contained in paragraphs 1-18 of the Third-Party Complaint herein.
20. The allegations contained in paragraph 20 of the Third-Party Complaint are admitted.
21. This Defendant is without sufficient information to enable her to form a belief regarding the allegations contained in paragraph 21 of the Third-Party Complaint and

in order to put same at issue, denies same.

22. This Defendant is without sufficient information to enable her to form a belief regarding the allegations contained in paragraph 22 of the Third-Party Complaint and in order to put same at issue denies same.

23. This Defendant is without sufficient information to enable her to form a belief regarding the allegations contained in paragraph 23 of the Third-Party Complaint and in order to put same in issue denies same.

24. This Defendant adopts and incorporates her responses to the allegations contained in paragraphs 1-23 of the Third-Party Complaint herein.

25. This Defendant acknowledges that Defendants Robert L. Brown and Darlene G. Brown entered into a personal guaranty agreement for the benefit of Ticor Title at some point in time. This Defendant is without sufficient information to enable her to form a belief as to whether there existed a valid and enforceable personal guaranty agreement between her and Ticor Title which would be applicable to the claims of Plaintiff Northwest Georgia Bank and in order to put the allegations contained in paragraph 25 of the Third-Party Complaint at issue, this Defendant denies same.

26. This Defendant acknowledges that Defendants Robert L. Brown and Darlene G. Brown entered into a personal guaranty agreement for the benefit of Ticor Title at some point in time. This Defendant is without sufficient information to enable her to form a belief as to whether there existed a valid and enforceable personal guaranty agreement between her and Ticor Title which would be applicable to the claims of

Plaintiff Northwest Georgia Bank and in order to put the allegations contained in paragraph 26 of the Third-Party Complaint at issue, this Defendant denies same.

27. This Defendant acknowledges that Defendants Robert L. Brown and Darlene G. Brown entered into a personal guaranty agreement for the benefit of Ticor Title at some point in time. This Defendant is without sufficient information to enable her to form a belief as to whether there existed a valid and enforceable personal guaranty agreement between her and Ticor Title which would be applicable to the claims of Plaintiff Northwest Georgia Bank and in order to put the allegations contained in paragraph 27 of the Third-Party Complaint at issue, this Defendant denies same.

28. The allegations contained in paragraph 28 of the Third-Party Complaint are denied.

29. The allegations contained in paragraph 29 of the Third-Party Complaint are denied.

SECOND DEFENSE

The Third-Party Complaint fails to state a claim upon which relief may be granted.

THIRD DEFENSE

This Defendant adopts and incorporates by reference all defenses asserted by Defendant Ticor Title Insurance Company of Florida in its Answer to Complaint of Northwest Georgia Bank.

AND NOW, HAVING FULLY ANSWERED, this Defendant prays that the Third-Party Complaint against her be dismissed at the costs of the Third-Party Plaintiff.

Respectfully submitted,

GRANT, KONVALINKA & HARRISON, P.C.

By: /s/ David E. Harrison

David E. Harrison, BPR #6986
Attorneys for Defendant
633 Chestnut Street, Suite 900
Chattanooga, TN 37450-0900
Telephone: (423) 756-8400
Facsimile: (423) 75-0643

CERTIFICATE OF SERVICE

I hereby certify that an exact copy of the foregoing pleading has been served on counsel for all parties by first-class postage prepaid mail to the following:

Shayne R. Clinton, Esq.
Bass, Berry & Sims, PLC
900 S. Gay Street, Suite 1700
Knoxville, TN 37902

Clifton M. Patty, Jr., Esq.
Patty & Young
P.O. Box 727
Ringgold, Georgia 30736

This 10th day of February, 2010.

/s/ David E. Harrison

GRANT, KONVALINKA & HARRISON, P.C.

P:\Folders A-H\B824\001\Answer.doc